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RUEHZP/AMEMBASSY PANAMA PRIORITY 1251  
RUEHQT/AMEMBASSY QUITO PRIORITY 6565  
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SUBJECT: COURT FINDS COLONEL GUILTY OF JAMUNDI KILLINGS

¶1. Summary: On February 18, the Trial Court of Cali found Colombian military Colonel Byron Carvajal and fourteen members of his platoon guilty of "aggravated homicide" for the May 22, 2006 massacre of ten members of an elite anti-narcotics police unit and an informant in Jamundi (Valle del Cauca department). This was the first complex case tried under the new criminal accusatory system. Sentencing will take place on April 21, with Carvajal facing a possible maximum sentence of 60 years. The defendants are expected to appeal. End Summary.

¶2. A trial Court in Cali found Colonel Byron Carvajal and fourteen members of his army platoon guilty of aggravated homicide for the May 22, 2006 massacre of an elite anti-narcotics police unit and an informant in Jamundi, Valle de Cauca. Carvajal's platoon ambushed ten Colombian National Police who formed an elite anti-narcotics police unit. The unit worked closely with the Drug Enforcement Agency (DEA). T

¶3. The Fiscalía presented over 50 witnesses and 600 evidentiary exhibits showing Carvajal instructed his unit to ambush and kill the police. Over a span of 30 minutes, the fourteen soldiers fired over 4350 rounds of ammunition and launched six hand grenades. The defendants argued the exchange was a legitimate gunfire exchange, since the military unit was operating in a high risk terrorist area and presumed the police were a terrorist group or drug traffickers.

¶4. Investigators suspect Carvajal and his unit were collaborating with narcotics traffickers in the area. Carvajal allegedly had ties to Indio William, an associate of Diego Leon Montoya, and was in the area when the shooting occurred. Former paramilitary leader Ever Veloza (aka "HH") stated in his proffer under the Justice and Peace Law process that he met Carvajal in 1995 and collaborated with his unit in Uraba.

¶5. Prosecutor General Iguaran applauded the decision and called for the maximum sentence of 60 years. Armed Forces Commander Freddy Padilla said the military respects the court's decision. He praised investigators for their impartial investigation and reiterated the military's commitment to respecting human rights and the rule of law.

¶6. The trial, which lasted from December 18, 2006 to January 29, 2008, was the first significant, complex case under the new criminal accusatory system. Under the old system, a case with so many witnesses, evidence, and number of defense attorneys would have lasted for years. The Colombian public

also had access to the trial process - enabling them to track the Fiscalia's and defense team's presentations as well as the judge's decisions. The case also showed the civilian authorities' ability to investigate and prosecute wrongdoing by military units.

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